



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-02300NS

Friday September 8, 2023

Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in section 63.12 of the Commission's rules. 47 CFR § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission. Pursuant to section 1.1910(b)(2) of the Commission's rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. 47 CFR § 1.1910(b)(2). Applicants should login to the CORES Payment website at <https://apps.fcc.gov/cores/userLogin.do> to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

On August 4, 2023, AtLink Services, LLC (AtLink a/k/a @Link) and Element8 Technology Investment Group Inc. (Element8) (together, Petitioners) filed a petition for a declaratory ruling pursuant to section 310(b)(4) of the Communications Act of 1934 (Act), as amended, 47 U.S.C. § 310(b)(4), and section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), requesting that the Commission find that it would serve the public interest to approve the foreign equity and voting interests in Element8, the proposed controlling U.S. parent of AtLink, in excess of the 25% statutory benchmarks in section 310(b)(4) of the Act. On August 30, 2023, Petitioners filed an amended and restated petition for declaratory ruling (Restated Petition).

According to the Restated Petition, AtLink is a limited liability company organized under the laws of Oklahoma. AtLink holds common carrier licenses in the Citizens Broadband Radio Service (CBRS) Priority Access Licenses (PALs) in the 3.5 GHz band as well as private wireless licenses in the Microwave Industrial/Business Pool service and a de facto (long-term) lease in the Educational Broadband service. AtLink is a "Designated Entity" under the Commission's rules and received a 15% bidding credit in Auction 105 in 2020 for its PALs. AtLink is an Eligible Telecommunications Carrier (ETC) under the Commission's rules and is authorized to receive Connect America Fund Phase II (CAF) support in Oklahoma, and as a result of this service, is deemed to hold a domestic section 214 authorization. Petitioners state that AtLink does not hold an international section 214 authorization. See ULS File Nos. 0010638598 and 0010638655; WC Docket No. 23-268.

Petitioners state that pursuant to a Membership Equity Purchase Agreement between Element8 and AtLink, Element8 will acquire control of AtLink. Petitioners state that any CAF funding and obligations, as well as any assets built using CAF funding prior to consummation of the transaction, will remain with AtLink after the transaction and will be used for the provision of service.

According to the Restated Petition, upon consummation of the proposed transaction, AtLink will be a direct wholly owned subsidiary of Element8. Element8, a Delaware corporation, is wholly owned by E8 Midco, LLC, a Delaware limited liability company, which in turn is wholly owned by E8 Topco Inc. (E8 Topco), a Delaware corporation. E8 Aggregator, LP (E8 Aggregator), a Delaware limited partnership, holds 70.34% equity interest and 84.32% voting interest in E8 Topco. Sky City Holdings, LLC (Sky City), a Texas limited liability company, will hold a 26.53% equity interest and 11.93% voting interest in E8 Topco. Petitioners state that the remaining direct interests in E8 Topco will be held by U.S. citizens with less than 10% equity and/or voting interests.

Petitioners state that the equity interests in E8 Aggregator are held by Digital Alpha Fund II, LP (35.94% equity, 0% voting) and Digital Alpha Fund II-A, LP (64.06% equity, 0% voting), both Delaware limited partnerships. According to the Petitioners, Digital Alpha Fund II, LP and Digital Alpha Fund II-A, LP are both insulated pursuant to section 1.5003 of the Commission's rules. The general partner of E8 Aggregator is Digital Alpha GP II, LP (0% equity, 100% voting), a Delaware limited partnership. Digital Alpha GP II, LP is managed by Digital Alpha UGP II, LLC, a Delaware limited liability company, which in turn is managed by Rick Shrotri, a U.S. citizen.

According to Petitioners, all of the limited partner interests of Digital Alpha Fund II, LP are held by numerous U.S. and foreign investors, none of which holds a 10% or greater limited partnership interest.

Platinum Makdor B 2006 RSC Limited (Platinum Makdor), an insulated restricted scope company organized under the laws of Abu Dhabi, United Arab Emirates, holds 11.84% limited partnership interests (11.84% equity, 0% voting) in Digital Alpha Fund II-A, LP. The Abu Dhabi Investment Authority, a public institution of the Government of Abu Dhabi, holds 100% equity and voting interests in Platinum Makdor. The remaining limited partnership interests in Digital Alpha Fund II-A, LP are held by numerous U.S. and foreign investors, none of which holds a 10% or greater limited partnership interest.

Agile Management Enterprises, LLC (Agile Management), a Texas limited liability company, holds 37.5% equity and 100% voting interests in Sky City. According to the Petitioners, the remaining equity interests in Sky City are held by U.S. citizens, none of which holds a 10% or greater interest. Agile Management is managed by Kevin Grace, a U.S. citizen, who holds a 39.15% equity and voting interest in Agile Management. According to the Petitioners, the remaining interests in Agile Management are held by U.S. citizens, none of which holds a 10% or greater interest.

Petitioners request that the Commission approve up to an aggregate 100% foreign ownership equity and voting interest in Element8. Pursuant to section 1.5001(i) of the Commission's rules, 47 CFR § 1.5001(i), Petitioners request that the Commission specifically approve direct and indirect foreign equity and voting interests in AtLink's controlling U.S. parent, Element8, by the following foreign-organized entities:

Platinum Makdor B 2006 RSC Limited (5.39% equity and voting) (United Arab Emirates);
Abu Dhabi Investment Authority (5.39% equity and voting) (United Arab Emirates); and
Government of Abu Dhabi (5.39% equity and voting) (United Arab Emirates).

Petitioners also request advance approval, pursuant to section 1.5001(k) of the Commission's rules, 47 CFR § 1.5001(k), for Platinum Makdor B 2006 RSC Limited, Abu Dhabi Investment Authority and the Government of Abu Dhabi to increase their indirect interests in Element8 up to a non-controlling 49.99% equity and voting interest. 47 CFR § 1.5001(k).

Petitioners assert that the public interest would be served by granting the Restated Petition.

Pursuant to Commission practice, this Restated Petition and the associated domestic application for transfer of control of section 214 authority (WC Docket No. 23-268) are being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Petitioners.

Interested parties may file comments on or before September 22, 2023, and reply comments on or before September 29, 2023.

ITC-214-20230720-00076 E Smarteletec S.L.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Smarteletec S.L. (Smarteletec) has filed an application for authority to provide resale services in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(2).

Smarteletec is a corporation organized in Spain. Smarteletec is owned by the following three individuals: Maen Rajab Qteishat, citizen of the United Kingdom (33.3%); Ibrahim Mahmud-Rayyan Cobos, a citizen of Spain (33.3%); Mohamad Abdulla M J AL-Obaidli, a citizen of Qatar (33.3%).

Pursuant to Commission practice, the application is being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the proposed foreign ownership of Smarteletec. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC Rcd 10927, 10935-36, para. 24 (2020).

ITC-T/C-20230802-00097 E PCCW Global, Inc.

Transfer of Control

Current Licensee: PCCW Global, Inc.

FROM: HKT (International) Limited

TO: Infratil Digital Exchange Limited

HKT (International) Limited (HKT) has filed an application for consent to transfer of control of PCCW Global, Inc. (PCCW Global) from HKT to Infratil Digital Exchange Limited (Infratil Digital). PCCW Global, a Delaware corporation, is an indirect wholly owned subsidiary of HKT, a British Virgin Islands entity. PCCW Global currently provides international service under the following international section 214 authorizations held by HKT pursuant to section 63.21(h) of the Commission's rules, 47 CFR § 63.21(h): ITC-MOD-20020829-00511, ITC-214-19991122-00727, ITC-214-19990601-00306, ITC-214-19991122-00726, ITC-214-19990601-00305, itc-214-19991722-00725, ITC-214-19981218-00880, ITC-214-19990601-00308, ITC-214-19980930-00689, ITC-214-19990601-00307, ITC-214-19980303-00158, and ITC-214-20020303-00158. As part of this proposed transaction, PCCW Global requests its own authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules and to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(1), (2). See File No. ITC-214-20230802-00106.

Pursuant to a July 7, 2023 assets purchase agreement, Infratil Digital will enter into a strategic partnership with HKT under which Infratil Digital will acquire a controlling interest in PCCW Global from HKT, which will retain a minority interest. To effectuate the transaction, HKT will undertake an internal restructuring that will include: (1) the formation of Console Connect Investment Pte. Ltd. (Console Connect), a Singapore entity, as a direct wholly owned subsidiary of HKT; (2) the formation of PCCW Global TechCo UK Pte. Ltd. (PCCWG TechCo), a United Kingdom entity, as a direct wholly owned subsidiary of Console Connect; and (3) transferring ownership of PCCW Global from its current direct parent, BtN Holdings Limited, to PCCWG TechCo. Infratil Digital will then acquire an 80% controlling interest in Console Connect and HKT will retain a 20% interest in Console Connect. As result Infratil Digital will have an indirect controlling interest in PCCW Global. Under this strategic partnership, Infratil Digital and HKT will each make additional investments in Console Connect. After those investments, Infratil Digital will remain in control of Console Connect but its ownership interest may decline to between 60% and 80%. HKT's interest in Console Connect will increase proportionately but will not exceed 40%, and HKT will remain a non-controlling interest holder in Console Connect.

Infratil Digital is wholly owned by Infratil Limited (Infratil), both New Zealand entities. Infratil is a publicly traded company in which, according to the Applicants, no individual or entity holds a 10% or greater equity or voting interest. The board of directors of Infratil has retained Morrison & Co., a New Zealand entity, for the day-to-day management of Infratil. Morrison & Co. holds an approximate 2.4% interest in Infratil, but has no special rights.

HKT is wholly owned by Hong Kong Telecommunications HKT (C1) Limited, which in turn is wholly owned by HKT Holdings Limited (HKT Holdings), both Cayman Island entities. HKT Holdings is wholly owned by HKT Group Holdings Limited, which in turn is wholly owned by HKT Limited, both Cayman Island entities. HKT Limited is wholly owned by HKT Trust, a trust constituted under the laws of Hong Kong. HKT Management Limited, a Hong Kong entity, is the trustee and manager for HKT Trust and thus holds 100% equity and voting interests in HKT Limited. CAS Holding No. 1 Limited (CAS Holding), a British Virgin Islands entity, wholly owns HKT Management Limited and holds 52.29% of the units of HKT Trust. CAS Holding is wholly owned by PCCW Limited, a publicly held Hong Kong company. Applicants state that no other individual or entity holds 10% or greater direct or indirect interest in HKT.

According to the Applicants, no other individuals or entities will hold a 10% direct or indirect interest in PCCW Global.

Pursuant to Commission practice, this Application and the associated domestic transfer of control application (WC Docket No. 23-264) are being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicants.

INFORMATIVE

ITC-T/C-20230526-00068

Alteva of Warwick LLC

On September 1, 2023, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review of the domestic and international applications for transfer of control filed by Alteva of Warwick LLC (ITC-T/C-20230526-00068 and WC Docket No. 23-178) to assess whether granting the applications will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (Apr. 8, 2020)). The Committee shall complete its review of the applications before the end of the 120-day initial review period, unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.